

**OPINION
73-406**

April 27, 1973 (OPINION)

Mr. T. N. Tangedahl, ACSW
Executive Director
Department of Social Services
State Capitol
Bismarck, ND 58501

Dear Mr. Tangedahl:

This is in response to your letter of April 24, 1973, requesting an opinion as to the authority of the Social Service Board of North Dakota to enforce pertinent state statutes and rules and regulations promulgated by the Social Service Board relative to the operation of the Family Development Center on the Devils Lake Sioux Indian Reservation.

You inform us that a Family Development Center is being operated by the Devils Lake Sioux Tribal Council. This center has been supported by child welfare research grants from HEW directly to the Tribal Council for a total of \$207,000 for three years ending June 30, 1973.

The Denver Regional Office of HEW advises that the child welfare research grant cannot be renewed after June 30, 1973. They have requested the Social Service Board of North Dakota to continue this Family Development Center through the Devils Lake Human Resource Center Section 1115 Project. The Social Service Board is directly accountable for the disbursement of all of these project funds.

This would entail the receipt of the money for the Family Development Center and the disbursement thereof through the Tribal Council. In view of the accountability of the money created by this arrangement, it would be incumbent on the Social Service Board of North Dakota to establish rules and regulations for the management of this Family Development Center relative to the disbursement of moneys therefor.

The basic principle involved is that the State of North Dakota, its departments and agencies, do not have jurisdiction over Indians in the Indian country.

It would thus be our opinion that your department does not have authority to enforce any of the pertinent statutes of North Dakota or rules or regulations promulgated by the Social Service Board for the management and operation of the Family Development Center operated by the Devils Lake Sioux Tribal Council under funds which would be disbursed to them by the Social Service Board of North Dakota through the Devils Lake Human Resource Center Section 1115 Project.

We trust the within and foregoing will be sufficient for your purposes.

Sincerely yours,

Allen I. Olson

Attorney General